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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,772	03/31/2000	Allan Y. Tien	39915	9392

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EXAMINER

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/539,772

Applicant(s)  
Allan Y. Tien

Examiner  
Jacques Veillard

Art Unit  
2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 31, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: ☐ approved ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**DIANE D. MIZRAHI**  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This is in response to the Applicant's application filed on 3/31/2000.
2. Claims 1-13 are presented for examination.

### ***Priority***

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) USSN 60/127,194 filed on March 31, 1999, and USSN 09/419,005 filed on October 13, 1999 is acknowledged.

### ***Information Disclosure Statement***

4. The information disclosure statement submitted on 6/30/2000 was filed after the mailing date of the Application on 3/31/2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the ~~petition is granted and the~~ information disclosure statement is being considered by the examiner.

### ***Drawings***

5. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5-7, and 10-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rindfuss (U. S. Pat. No. 4,841,387).

As per claim 1, Rindfuss discloses a recording information relating to an event on a recording medium (See Title and Abstract). Similarly, the recording information taught by Rindfuss is comprising of: a) means for presenting a subject or operator with a measurement item (See col.1, line 59 through col.2, line 2); b) a recorder that records and stores observed events associated with said measurement item with a data track of event data sequenced by a time track of time data (See col.2, lines 3-62); and c) indexing software that enters an index mark into a database with at least one field denoting a measurement item and associated with time data for associated observed event (See Abstract and col.2, lines 3-32).

As per claim 7, the claim has substantially the same limitations as claim 1. Therefore, it is rejected as previously discussed in the rejection of claim 1 above.

As per claim 2, Rindfuss discloses the claimed invention limitations, wherein said means for presenting a subject or operator with a measurement item includes a programmable computer

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having a central processing unit, a storage system, and an output display (See Fig.2, and col.4, lines 28-63).

As per claim 3, Rindfuss discloses the claimed invention limitations, wherein said means for presenting a subject or operator with a measurement item includes a written document or a video display (See col.4, lines 19-27).

As per claims 5 and 11, Rindfuss discloses the claimed invention limitations, wherein said recorder is a digital recorder (See Fig.3, element 100, and col.5, lines 29-33).

As per claim 6, Rindfuss discloses the claimed invention limitations, wherein said recorder is an analogy recorder that produces an analog recording which is then digitized (See Fig.3, element 80, and col.5, lines 26-29).

As per claim 10, Rindfuss discloses the claimed invention limitations, wherein the subject is presented with measurement items by displaying images on a video display (See col.3, lines 50-53).

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As per claim 13, Rindfuss discloses the claimed invention limitations, wherein the indexing is performed automatically as an operator proceeds from one measurement item to another (See col.3, lines 53-61).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 8-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rindfuss (U. S. Pat. No. 4,841,387) as applied to claims 1 and 7 above, and further in view of Ardis et al.(U. S. Pat. No.5,172,281 and hereinafter Ardis).

As per claim 4, Rindfuss teaches an event on a recording medium and indexing information using an audio or video tape (See Title and Abstract).

Rindfuss does not explicitly teach an recording information, wherein said means for presenting a subject or operator with a measurement item includes a video player and a video display.

Ardis teaches a video transcript retriever includes a control unit, a control interface a tape unit , and display unit (See Abstract lines 1-9), wherein said means for presenting a subject or

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operator with a measurement item includes a video player and a video display (See col.4, lines 4-12).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rindfuss with the teachings of Ardis to include a videotape recorder/player and a video display attached to a computer system with the motivation to play and display to the user what are being recordered such as images information etc.(See col.3, line 68 through col.4, line 12).

As per claim 8, the combination of Rindfuss and Ardis as modified teaches the claimed invention limitations, wherein measurement items are presented to said subject or operator by a computer and a computer display (See Ardis's Fig.1, element 10, element 40, and col.3, line 67 through col.4, line 1 and lines 11-12).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rindfuss with the teachings of Ardis to include a videotape recorder/player and a video display attached to a computer system with the motivation to play and display to the user what are being recordered such as images information etc.(See col.3, line 68 through col.4, line 12).

As per claim 9, the combination of Rindfuss and Ardis as modified teaches the claimed invention limitations , wherein the subject is presented with a measurement items by an assessor at an interview (See Ardis's col.5, lines 26-48).

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It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rindfuss with the teachings of Ardis to include a videotape recorder/player and a video display attached to a computer system with the motivation to play and display to the user what are being recorded such as images information etc.(See col.3, line 68 through col.4, line 12).

As per claim 12, the combination of Rindfuss and Ardis as modified teaches the claimed invention limitations, further comprising: augmenting said computer database by adding information to said database that relates to said event field without changing the relationship of said time data to said event data (See Ardis's col.5, lines 51-68 to col.6, lines 1-51).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rindfuss with the teachings of Ardis to include a videotape recorder/player and a video display attached to a computer system with the motivation to play and display to the user what are being recorded such as images information etc.(See col.3, line 68 through col.4, line 12).

***Other Prior Art Made Of Record***

10. Tompkins et al.(U. S. Pat. No. 4,710,917) discloses a communication networks for interfacing between remote video terminals to provide video, audio and data,



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DeAngelis et al.(U. S. Pat. No. 5,657,077) discloses a time-sequential system for recording and displaying a scene on a computer comprising a digital camera,

Trueblood (U. S. Pat. No. 5,893,053) discloses a method and apparatus for recording and playing back computer graphic data, including cursor movement data, and audio data which requires X-windows command extensions, and

Milne et al.(U. S. Pat. No. 5,544,297) discloses a technique for providing routing of various multimedia events throughout the course of a multimedia presentation using a computer with a storage and a display.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. **Any response to this action should be mail to:**

Commissioner of Patent and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 746-7239 (for formal communication intended for entry)

**Or:**

(703) 746-7240 ( for informal of draft communications, please label

“PROPOSED” or “DRAFT”)


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Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on ( 703) 305-3830. The fax phone number for this group is (703) 308-5403.

  
DIANE D. MIZRAHI  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
Jacques Veillard  
Patent Examiner

May 1, 2002